

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

HANNA HOHENBERG
and RUDOLPH HOHENBERG

Plaintiffs,

v.

WYETH, INC.; WYETH PHARMACEUTICALS,
INC.; PFIZER, INC., PHARMACIA & UPJOHN
CO., LLC, f/k/a PHARMACIA & UPJOHN,
LLC, f/k/a PHARMACIA & UPJOHN, INC.,
BARR LABORATORIES, INC.; GREENSTONE,
LTD.

Defendants.

Case No. 05-11382-JLT

**CONSENT MOTION FOR EXTENSION OF TIME
FOR BARR LABORATORIES, INC. TO FILE ANSWER TO COMPLAINT**

Defendant Barr Pharmaceuticals, Inc. ("Barr"), with the consent of Plaintiffs Hanna Hohenberg and Rudolph Hohenberg ("Plaintiffs"), moves for an open extension of time to answer the Plaintiffs' Complaint up to and including the date that transfer of this case to the Multidistrict Litigation proceeding on hormone replace therapy claims is effective. Barr states the following in support of this Motion:

1. Plaintiffs sent a Request for Waiver of Service of Summons to Barr on or about July 15, 2005. Under Federal Rules of Civil Procedure 4(d) and 6(a), the time for a responsive pleading has not expired.
2. This claim alleges injuries from use of hormone replacement therapy ("HRT") medication. The Judicial Panel on Multidistrict Litigation established a coordinated proceeding for pretrial administration of HRT cases, MDL 1507. *In re Prempro Prods. Liab. Litiga.*, 254 F.

Supp. 2d 1366 (J.P.M.L. 2003). The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas, is designated as the MDL transferee judge .

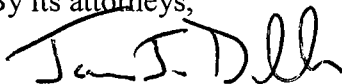
3. An extension of time to answer until a determination that transfer to the MDL is effective will promote judicial economy by avoiding duplicative submissions and wasted judicial resources in the event this action is transferred.

4. Counsel for Barr has obtained the consent of counsel for Plaintiff, Tobias L. Millrood, Schiffrin & Barroway LLP, to this motion for extension.

Barr therefore asks the Court to grant an open extension of time to file an answer to the Complaint up to the date transfer of this case to the MDL is effective. A proposed order is attached.

BARR LABORATORIES, INC.

By its attorneys,

A handwritten signature in dark ink, appearing to read "James J. Dillon", is written over a horizontal line.

James J. Dillon BBO #124660
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02111-2600
(617) 832-1000

Dated: August 26, 2005

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and RUDOLPH HOHENBERG

Plaintiffs,

Case No. 05-11382-JLT

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WYETH, INC.; WYETH PHARMACEUTICALS, INC.; PFIZER, INC., PHARMACIA & UPJOHN CO., LLC., f/k/a PHARMACIA & UPJOHN, LLC, f/k/a PHARMACIA & UPJOHN, INC., BARR LABORATORIES, INC.; GREENSTONE, LTD.

Defendants.

ORDER

Defendant Barr Laboratories, Inc., has moved for an open extension of its time to answer the Plaintiffs' Complaint up to and including the date of the transfer to the MDL proceeding is effective. For good cause shown, Barr Laboratories, Inc.'s motion for extension of time is GRANTED.

This _____ day of _____, 2005.